

WILMINGTON
RODNEY SQUARE
NEW YORK
ROCKEFELLER CENTER

Pilar G. Kraman
P 302.576.3586
pkraman@ycst.com

**YOUNG
CONAWAY**

December 11, 2023

VIA CM/ECF

The Honorable Matthew F. Kennelly
Everett McKinley Dirksen U.S. Courthouse
U.S. District Court for the Northern District
of Illinois, Eastern Division
219 South Dearborn Street
Chicago, IL 60604
(312) 435-5670

RE: 10x Genomics, Inc., et al. v. Vizgen, Inc., C.A. No. 22-595-MFK;
10x Genomics, Inc., et al. v. Nanostring Tech., Inc., C.A. No. 22-261-MFK;
Nanostring Tech., Inc. v. 10x Genomics, Inc., C.A. No. 22-1375-MFK

Dear Judge Kennelly:

On November 27, 2023, the Court rescheduled the *Markman* hearing in the above-captioned cases for January 10, 2024 at 10:00 A.M. Central (D.I. 275). The parties 10x Genomics, Inc., President and Fellows of Harvard College, NanoString Technologies, Inc., and Vizgen, Inc. submit this Joint Status Report proposing the following time limits and configuration for the *Markman* hearing:

1. The *Markman* hearing will be held remotely via videoconference for a total of 3 hours. As proposed in the parties' October 20, 2023 Joint Letter Regarding *Markman* Hearing (D.I. 250 in C.A. No. 22-595), 1.5 hours will be allocated to 10x and Harvard, collectively, and 1.5 hours will be allocated to NanoString and Vizgen, collectively.
2. The parties defer to the Court if there are specific post-briefing questions that the Court wants to address. Otherwise, the parties will present argument on a term-by-term basis, with the party(ies) proposing construction on a term presenting first for that term and the opposing side (one person per side) presenting second, as further detailed below. The parties, subject to approval by the Court, will allow the proposing party(ies) to present a brief rebuttal on each construction.
3. The parties will argue the terms for which the Court permits argument according to the order of the proposed constructions set forth in the joint claim construction brief (D.I. 247 in C.A. No. 22-595), as set forth below:

Young Conaway Stargatt & Taylor, LLP
Rodney Square | 1000 North King Street | Wilmington, DE 19801
P 302.571.6600 F 302.571.1253 YoungConaway.com

Young Conaway Stargatt & Taylor, LLP
The Honorable Matthew F. Kennelly
December 11, 2023
Page 2

Term	Patent(s)	Proposing Party(ies)	Opposing Party(ies)
Whether the steps of the method claims must be performed in the order written	'639, '737, '051, '052, '054, '136	NanoString and Vizgen	10x and Harvard
detection reagent	'639, '737, '051, '052, '054, '136	NanoString and Vizgen	10x and Harvard
decoding reagent	'051	NanoString and Vizgen	10x and Harvard
identifier	'639	NanoString	10x and Harvard
analyte	'639, '737, '051, '052, '054	NanoString	10x and Harvard
using 3D fluorescence imaging to identify said cellular nucleic acid molecules	'767	Vizgen	10x and Harvard
matching the codewords with valid codewords in a codebook by comparing the codewords to the valid codewords in the codebook	'303	10x	Vizgen and Harvard
if one of the codewords is not matched with one of the valid codewords in the codebook, applying an error detection or correction system, matching the one of the codewords with another of the valid codewords in the codebook, or discarding the one of the codewords	'303	10x	Vizgen and Harvard
an error detection or correction system	'303	10x	Vizgen and Harvard

Young Conaway Stargatt & Taylor, LLP
The Honorable Matthew F. Kennelly
December 11, 2023
Page 3

Term	Patent(s)	Proposing Party(ies)	Opposing Party(ies)
under conditions that release	'689, '142	10x	NanoString
[first/second] location of the tissue sample	'689, '142	10x	NanoString

Should Your Honor have any questions or concerns regarding the foregoing, counsel are available at the Court's convenience.

Respectfully submitted,



Pilar G. Kraman (No. 5199)

cc: Counsel of Record (via CM/ECF)